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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,368	06/21/2006	David Neil Slatter	200308882-3	2182

22879 7590 05/30/2008

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER	
SAVUSDIPHOL, PAULTEP	

ART UNIT	PAPER NUMBER
2876	

NOTIFICATION DATE	DELIVERY MODE
05/30/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
mkraft@hp.com
ipa.mail@hp.com

Office Action Summary	Application No.	Applicant(s)	
	10/565,368	SLATTER, DAVID NEIL	
	Examiner	Art Unit	
	PAULTEP SAVUSDIPHOL	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 January 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Receipt is acknowledged of the amendment, filed on 1/23/2008, which has been entered in the file. Acknowledgment is made of the amendment to the title of the abstract and the objection is therefore withdrawn.

Claim 2 has been cancelled. Claims 1 and 3-20 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. **Claims 1 & 3-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Spurr et al. (US 6,381,418 B1)** in view of **Patton (US 5,845,160)**.

Regarding **claim 1, Spurr** discloses a print having a substrate and a plurality of memory tags coupled to the substrate (Col. 6, lines 40-48 & Col. 9, lines 18-22 - *wherein the tags are "coupled" to the substrate and more than one may be used*), wherein each memory tag comprises a passive electronic memory (Col. 4, lines 64-66 & Col. 5, lines 34-36) and a memory tag is associated with at least some of the images for storage of data relating to the respective images (Col. 3, lines 53-54).

Regarding **claim 3, Spurr** discloses a print according to claim 1 wherein for each image in respect of which data is stored on an associated memory tag, the data relating

to the image includes information about the initial creation of the image (Col. 1, lines 27-39).

Regarding **claim 4**, **Spurr** discloses a print according to claim 1 wherein for each image in respect of which data is stored on an associated memory tag, the data relating to the image includes information about the content of the image (Col. 1, lines 27-39).

Regarding **claim 5**, **Spurr** discloses a print according to claim 1 wherein for each image in respect of which data is stored on an associated memory tag, the memory tag associated with the image is located on the substrate adjacent to the respective image (Col. 4, lines 62-67 & Fig. 1).

Regarding **claim 6**, **Spurr** discloses a print according to claim 1 wherein the substrate is provided with an associated memory tag (Col. 4, lines 41-67).

Regarding **claim 7**, **Spurr** discloses a print according to claim 6 wherein each memory tag is located in the same place in the respective image area (Col. 5, lines 3-9 – *wherein the tag is located along an edge for each print, and it is disclosed that the tag may be situated in any suitable position as needed by the application*).

Regarding **claim 8**, **Spurr** discloses a print according to claim 6 wherein each memory tag is located in the same place with respect to the respective image (Col. 5, lines 3-9 – *wherein the tag is located along an edge for each print, and it is disclosed that the tag may be situated in any suitable position as needed by the application*).

Regarding **claim 9**, **Spurr** discloses a print according to claim 1 wherein it includes a further memory tag for storage of data relating to all of the images on the print (Col. 3, lines 40-44 & Col. 9, lines 18-22).

Regarding **claim 10**, **Spurr** discloses a print according to claim 1 wherein it includes an icon at the location for each memory tag (Col. 6, lines 23-27, 50-57 & Col. 9, lines 1-4 – *wherein it is disclosed that the tag may be coupled to the substrate via an operator using the trace pattern of the antenna as a guide, hence a visible "icon"*).

Regarding **claim 11**, **Spurr** discloses a print according to claim 1, wherein each memory tag is adapted to be inductively powered to transmit data stored thereon (Col. 5, lines 34-36 & Col. 6, lines 12-16).

Regarding **claim 12**, **Spurr** discloses a print medium with associated data storage, the print medium including a substrate with a printable surface (Col. 4, lines 41-61) and a plurality of memory tags coupled thereto at locations spaced apart over the area of the substrate (Col. 5, lines 5-9 & Col. 9, lines 18-22 - *wherein the tags can be placed at any suitable position and more than one tag can be used*), wherein each memory tag comprises a passive electronic memory (Col. 4, lines 64-66 & Col. 5, lines 34-36).

Regarding **claim 13**, **Spurr** discloses a print medium as claimed in claim 12, wherein each memory tag is adapted to be inductively powered for receiving data to be written to it (Col. 5, lines 34-36, 47-50 & Col. 6, lines 12-16).

Regarding **claim 14**, **Spurr** discloses a print medium according to claim 12 wherein a memory tag is located in each image area (Col. 3, lines 40-44 & 57-58).

Regarding **claim 15**, **Spurr** discloses a print medium according to claim 14 wherein each memory tag is located in the same place with respect to the image area in which it is located (Col. 5, lines 3-9 – *wherein the tag is located along an edge for each*

print, and it is disclosed that the tag may be situated in any suitable position as needed by the application).

Regarding **claim 16**, **Spurr** discloses a print medium according to claim 14 wherein the memory tags are located in different locations within the image areas (Col. 5, lines 3-9 – *wherein the tag is located along an edge for each print, and it is disclosed that the tag may be situated in any suitable position as needed by the application*).

Regarding **claim 17**, **Spurr** discloses a method of storing data concerning a plurality of images, on a print medium (Col. 4, lines 41-61) including a substrate and a plurality of memory tags coupled thereto at locations spaced apart over the area of the substrate (Col. 5, lines 5-9 & Col. 9, lines 18-22 - *wherein the tags can be placed at any suitable position and more than one tag can be used*), each memory tag comprising a passive electronic memory (Col. 4, lines 64-66 & Col. 5, lines 34-36), the method comprising the steps of:

each image is adjacent to a memory tag (Col. 4, lines 62-67 & Fig. 1);

for at least some of the images storing data associated with the respective image in the memory tag adjacent to it (Col. 3, lines 53-54).

Regarding **claim 18**, **Spurr** discloses a method of storing data concerning a plurality of images comprising the steps of:

applying a memory tag (Col. 4, line 64 - Col. 5, line 2 & Col. 6, lines 40-48), comprising a passive electronic memory (Col. 4, lines 64-66 & Col. 5, lines 34-36), to the substrate adjacent to at least some of the images (Col. 4, lines 62-67 & Fig. 1), and

for each image adjacent to which a memory tag has been applied, storing data associated with the image in the memory tag adjacent to it (Col. 3, lines 53-54).

Regarding **claim 19**, **Spurr** discloses a method according to claim 18 wherein the memory tags are applied to the substrate before the data is stored on them (Col. 6, lines 40-48 & Col. 9, lines 1-6).

Regarding **claim 20**, **Spurr** discloses a method according to claim 18 wherein the data is stored in the memory tags before they are applied to the substrate (Col. 6, lines 40-48 & Col. 9, lines 1-6).

Spurr fails to explicitly teach or particularly point out,

wherein the print is an index print including a plurality of images, and wherein for each image in respect of which data is stored on an associated memory tag, the image is printed with low resolution, as recited in **claim 1**;

the memory is adapted such that said data relating to the image includes the image in high resolution, as recited in **claim 1**;

a print according to claim 1 wherein the substrate is divided into a plurality of image areas each of which has printed thereon a single image, as recited in **claim 6**;

the memory is adapted to store an image at high resolution, as recited in **claim 12**;

wherein the printable surface comprises a plurality of images that are printed with low resolution, as recited in **claim 12**;

a print medium according to claim 12 wherein the substrate is divided into a plurality of image areas, as recited in **claim 14**;

a print medium according to claim 14 wherein the image areas form a regular grid, as recited in **claim 15**;

a print medium according to claim 14 wherein the image areas form a regular grid, as recited in **claim 16**;

said data including the respective image at high resolution, as recited in **claim 17**;

printing a plurality of visible images onto a substrate, wherein the plurality of visible images are printed with low resolution, as recited in **claim 17**;

said data including the respective image at high resolution, as recited in **claim 18**; and

printing a plurality of visible images onto a substrate, wherein the plurality of visible images are printed with low resolution, as recited in **claim 18**.

Patton teaches, regarding **claim 1**, wherein the print is an index print including a plurality of images (Col. 3, lines 4-16) and wherein for each image in respect of which data is stored on an associated memory tag, the image is printed with low resolution (Col. 3, lines 4-16);

regarding **claim 12**, wherein the printable surface comprises a plurality of images that are printed with low resolution (Col. 3, lines 4-16);

regarding **claims 6 & 14**, a print according to claim 1 & 12, respectively, wherein the substrate is divided into a plurality of image areas each of which has printed thereon a single image (Col. 3, lines 4-16);

regarding **claims 15 & 16**, a print medium according to claim 14 wherein the image areas form a regular grid (Col. 3, lines 4-16 & Fig. 1); and

regarding **claims 17 & 18**, printing a plurality of visible images onto a substrate (Col. 3, lines 4-16), wherein the plurality of visible images are printed with low resolution (Col. 3, lines 4-16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to further employ, within **Spurr,** the features of **Patton** for the benefit of ease of viewing for the user rather than viewing negatives whereby a user can ascertain what pictures are present in a set of photos rather than going through each one individually and also for enhanced efficiency for the developer or merchant by allowing for a more convenient way for a user to select and order reprints.

Patton teaches, regarding **claims 1, 17 & 18** the memory is adapted such that said data relating to the image includes the image in high resolution (Col. 2, line 55 – Col. 3, line 2 - *wherein it is disclosed that "image files" are stored corresponding to the imagettes of the index print that contain information that can create viewable representation of the image and that "image files" of varying information density may be stored to recreate the image; therefore a high resolution image*); and
regarding **claim 12**, the memory is adapted to store an image at high resolution (Col. 2, line 55 – Col. 3, line 2 - *wherein it is disclosed that "image files" are stored corresponding to the imagettes of the index print that contain information that can create viewable representation of the image and that "image files" of varying information density may be stored to recreate the image; therefore a high resolution image*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to further employ, within **Spurr,** the features of **Patton** for the benefit of enhanced efficiency for the merchant and security for the user's photos by providing a safe and convenient way for a user to select and order reprints with the ability to access the image file right from the index print without having to involve negatives that could potentially be damaged or degraded in quality.

Response to Arguments

Applicant's arguments filed 01/23/2008 have been fully considered but they are not persuasive. Applicant argues, see pages 6 and 7 of the Remarks, that the Examiner's interpretation of "high resolution" is incorrect. The Examiner respectfully disagrees. Applicant argues, regarding claims 1, 12, 17 and 18, that Patton fails to teach or even suggest that any of the duplicate pictures with different densities are high resolution and that the mere fact that an image's information density varies does not mean the image is in high resolution. The applicant defines that "high resolution" relates to a higher quality image that generally has a **higher number of** dots, pixels, or **detail** than an ordinary image (emphasis added). The applicant also concedes that the Patton reference teaches that the digital image files may **vary in information density, i.e. detail** (emphasis added), thereby obviously being able of storing less or **more detail** which would be in line with the Applicant's definition as a high resolution image; see column 2, line 55 thru column 3, line10 of Patton, clearly teaching that the image

files, which are linked to the imagettes, contain a larger, or more densely detailed, image of the thumbnails.

Applicant argues, see pages 7 and 8 of the Remarks, that, regarding claims 1, 12, 17 and 18, the Patton reference fails to teach or even suggest that the miniature prints are low resolution. The Examiner respectfully disagrees. As noted above, the Patton reference discloses that the image files relating to the imagettes contain higher detailed images as those of the index print, therefore the imagettes being of "lower resolution" than that of the image files. Furthermore, it is known in the art and would be appreciated by one skilled in the art that printing an index print with low resolution images would be faster and more efficient than using high resolution images. Moreover, it would not be economical to the merchant to waste resources on high quality index prints that only serve the purpose of providing an easier means for a consumer to order reprints.

Additionally, the included referenced cited in the Office Action further provide evidence of the known use of index prints to reference higher resolution images. For example, see column 3, lines 25-35 of Shih et al. (US 6,674,923 B1), column 2, lines 52-65 and column 3, lines 2-6 of Squilla et al. (US 6,623,528 B1) and column 3, lines 10-20 of Squilla et al. (US 6,123,362), wherein it is clearly taught that the use of low resolution images in index prints to reference higher resolution images. The claims are rejected accordingly.

Conclusion

No claims are allowed.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAULTEP SAVUSDIPHOL whose telephone number is (571)270-1301. The examiner can normally be reached on M-F, 8:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PS/
/Paultep Savusdiphol/
Patent Examiner
AU 2876

/Michael G Lee/
Supervisory Patent Examiner, Art Unit 2876